

8/31/2021 10:35 am

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WLIMINGTON SAVINGS FUND SOCIETY, FSB,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,

ORDER

17-CV-02288 (AMD) (JMW)

-against-

LENA WHITE,

Defendant.

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WICKS, Magistrate Judge:

On August 30, 2021, the undersigned held a status conference to determine what, if any, discovery remains in this case. This is now the fifth scheduled status conference at which the *pro se* Defendant has failed to appear, despite being served by Plaintiff via overnight delivery this Court's scheduling order directing the parties to appear. (DE 65.) The four other instances of her failure to appear were on October 12, 2017 (DE 22), December 7, 2018 (DE 24), April 10, 2018 (DE 28) and August 18, 2021 (DE 64). Although Defendant's repeated defiance of this Court's orders is, to put it lightly, unacceptable, the case must and will move forward.

The Court is forewarning Defendant that continued nonappearance and noncompliance with this Court's orders could very well result in a recommendation of default. *See, e.g., Koutlakis v. CP Grill Corp.*, 19 CV 01669 (DLI)(CLP) (E.D.N.Y. Apr. 16, 2021), *adopted in part* (E.D.N.Y. June 10, 2021) (repeated failure to appear at status conferences led to entry of defaults as to some defendants, and admonishment of other); *see also Granillo v. Belco Pipe Restoration*, 13 CV 685 (JFB)(WDW) (E.D.N.Y. March 10, 2014) (Bianco, J.) (adopting Report and Recommendation of Magistrate Judge Wall, striking the answer and entering a default). Although that is not the Court's recommendation at this time, Defendant is cautioned that failure to continue to abide by the deadlines and orders set forth herein is likely to lead to the issuance of an Order to Show Cause why the answer should not be stricken.

Plaintiff's counsel informed the Court that no outstanding discovery remains, nor are there any outstanding requests from Defendant. As such, the final discovery cut-off in this case is **September 30, 2021**. Notwithstanding Plaintiff advising the Court it does not intend to seek summary judgment, the Court—again to accommodate Defendant's *pro se* status—has set a deadline of **October 10, 2021** for the parties to take the first step in summary judgment practice before the Hon. Ann M. Donnelly. A final pretrial conference is scheduled for **October 25, 2021 at 1:30 pm via Zoom video**. The Court will email a Zoom invitation closer to that date. All parties are directed to attend. Moreover, the parties are directed to confer and submit to this Court a joint proposed pretrial order, in compliance with Judge Donnelly's Individual Practices and Rules, on or before **October 20, 2021**.

Counsel for Plaintiff is hereby directed to serve copies of this Order upon Defendant and file proof of service on ECF.

Dated: Central Islip, New York
August 31, 2021

S O O R D E R E D:

/s/ *James M. Wicks*
JAMES M. WICKS
United States Magistrate Judge